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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 09/695,216
Filing Date: October 25, 2000
Appellant(s): LAUCKHART ET AL.

Timothy J. Bechen
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 7/14/2008 appealing from the Office action mailed 11/13/2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

Bull et al. 5,995,943. Date of Patent: Nov. 30, 1999.

McCallum. 5,784,635. Date of Patent: Jul. 21, 1998.

Plasek et al. 5,878,426. Date of Patent: Mar. 2, 1999.

Lee et al. US 6,601,100 B2. Date of Patent: Jul. 29, 2003.

Gabber et al. "Consistent, Yet Anonymous, Web Access with LPWA". Communications of the ACM. Feb. 1999, Volume 42.

Bittinger et al. 5,878,213. Date of Patent: Mar. 2, 1999.

Yeager. 6,167,402. Date of Patent: Dec. 26, 2000.

Pallmann. 6,094,684. Date of Patent: Jul. 25, 2000.

Blumenau. 6,108,637. Date of Patent: Aug. 22, 2000.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1 – 2, 4 – 10, 14, 15, 18 – 21, 23, 25, 32, 35, 55, 56, 58- 61, 63 – 66, 68 and 69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bull et al. (5,995,943) hereafter Bull, in view of McCallum (5,784,635), further in view of Plasek et al. (5,878,426), hereafter Plasek.

3. Regarding claims 1, 25, 55, 50 and 65, Bull shows a system, method, and a computer readable medium, comprising instructions or steps for estimating the

prevalence of digital content on a network, including a network server, a memory device, a processor communicating with said memory device (col. 7 lines 10 – 30), an estimating device that receives traffic data collected from the network (col. 3 lines 27 – 65),

a sampling device that stores summarization data that describes each occurrence of the digital content in the clean traffic data,

and an accessing device that presents the clean traffic data and the summarization data to the user (col. 3 lines 64 – 65, col. 7 lines 45 – 48, col. 10 lines 23 – 26).

Bull does not show an anonymizing device that locates user identification data in the traffic data, masks the user identification data to produce clean traffic data, and stores the clean traffic data. Nor does Bull show scaling said content by a weighting factor to extrapolate global traffic data

McCallum shows an anonymizing device that locates user identification data in the traffic data, masks the user identification data to produce clean traffic data, and stores the clean traffic data (Figs. 1 and 4, col. 5 lines 58 – 63, col. 8 lines 28 – 35).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the disclosure of Bull with that of McCallum in order to leverage the advantages of fast and reliable digital data storage, thus reducing costs, while ensuring that sensitive, confidential data can be maintained as such (McCallum col. 2 lines 15 – 62).

Bull in view of McCallum do not show scaling said content by a weighting factor to extrapolate global traffic data.

Plasek shows scaling content by a weighting factor to extrapolate global traffic data (col. 4 line 12 – col. 5 line 18, Fig. 8).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the disclosure of Bull in view of McCallum with that of Plasek in order to provide for quickly and expensively calculating aggregate data utilizing sample data, thus expediting database queries (Plasek, col. 1 lines 53 – 68, col. 4 lines 12 – 55).

4. Regarding claims 2, 56, 61 and 66 Bull in view of McCallum and Plasek further show where the estimating devices receives the traffic data from at least one proxy cache server (Bull, col. 1 lines 47 – 50, col. 3 lines 8 – 11, col. 7 lines 12 - 13).

5. Regarding claims 4, 58, 63 and 68 Bull in view of McCallum and Plasek further show a prober that fetches a web page from the network, an extractor that locates fragments of the web page that includes digital content, and a classifier that performs a structural analysis of the fragment to classify the digital content (Bull, col. 8 lines 38 – 41, col. 11 lines 60 – 64).

6. Regarding claims 5, 59, 64 and 69 Bull in view of McCallum and Plasek further show generating a report when the clean traffic data or the summarization data satisfy at least one criterion (Bull, col. 8 lines 5 – 6 and lines 15 – 17, col. 10 lines 24 – 26).

7. Regarding claim 6, Bull in view of McCallum and Plasek further show estimating the global traffic to at least one website on the network to provide traffic data (Plasek,

col. 4 line 12 – col. 4 line 18; Bull, Fig. 7, col. 3 lines 45 – 65, col. 4 lines 40 – 45,col. 8 line 28 – 32)

locating user identification data in the traffic data, masking the user identification data to produce clean traffic data (McCallum, Figs. 1 and 4, col. 5 lines 57 – 63, col. 8 lines 28 – 35)

8. statistically sampling the contents of at least one website to provide sampling data including scaling the data by a weighting factor to extrapolate global traffic data, Plasek, col. 4 line 12 – col. 4 line 18; Bull, Fig. 7, col. 3 lines 45 – 65, col. 4 lines 40 – 45,col. 8 line 28 – 32)

storing the clean traffic data and the sampling data, and accessing the clean traffic data and the sampling data to generate a report (Plasek, Figs. 1, 8, col. 5 lines 1 – 28, Bull, col. 3 lines 64 – 65, col. 7 lines 45 – 48, col. 10 lines 23 – 26).

9. Regarding claim 7, Bull in view of McCallum and Plasek further show a database, a traffic analysis system that receives traffic data from a traffic sampling system, locates user identification data in the traffic data, masks the user identification data to produce clean traffic data, and stores the clean traffic data in the database, the traffic data including said at least one uniform resource locator (McCallum, Figs. 1 and 4, col. 5 lines 57 – 63, col. 8 lines 28 – 35; Plasek, Figs. 1 and 8; Bull col. 3 lines 27 – 65);

a digital content sampling system that stores the digital content at said at least one uniform resource locator in the database (Bull, col. 3 lines 64 – 65, col. 7 lines 45 – 48, col. 10 lines 23 – 26), and

a statistical summarization system that stores the summarization data that describes the digital content the database including scaling the data by a weighting factor to extrapolate global traffic data (McCallum, Figs. 1 and 4, col. 5 lines 57 – 63, col. 8 lines 28 – 35, Plasek, Figs. 1 and 8, Bull col. 1 lines 47 – 50, col. 3 lines 8 – 11, col. 7 lines 12 – 13).

10. Regarding claim 8, Bull in view of McCallum and Plasek further show a web front end that connects to the network and the database, wherein a client users a browser to connect to the web front end (Bull col. 9 lines 4 – 5, col. 8 lines 59 – 61).

11. Regarding claim 9, Bull in view of McCallum and Plasek further show a user interface that an account manager, an operator or a media editor can use to administer the system (col. 8 lines 43 – 48).

12. Regarding claim 10, Bull in view of McCallum and Plasek further show where the network is the Internet and wherein the network site is a web site (col. 8 lines 59 – 61, col. 9 lines 4 – 5).

13. Regarding claim 14, Bull in view of McCallum and Plasek further show a probemapping system that uses the summarization data to create a probe map for the network, the probe map including a mapping for said at least one uniform resource locator (Bull, col. 1 lines 7 – 59, col.8 lines 3 – 45);

a uniform resource locator retrieval system that retrieves said at least on e uniform resource locator from the network server, a browser emulation environment that conducts a simulation of the display of said at least on uniform resource locator in a

browser, a digital content extractor that stores the digital content from at least said one uniform resource locator in the database (Bull, col. 4 lines 49 – 63), and

a structural classifier that stores at least one classification type for the digital content in the database (Bull, col. 4 lines 50 – 59).

14. Regarding claim 15, Bull in view of McCallum and Plasek further show a probability that at least one uniform resource location will be sampled, and a scale that determines the contribution of said at least one uniform resource location to the summarization data (col. 14 lines 20 – 27, col. 15 line 53 – col. 16 line 8).

15. Regarding claim 18, Bull in view of McCallum and Plasek further show where the simulation includes executing dynamic content in said at least one uniform resource locator (Bull col. 15 lines 1 – 3).

16. Regarding claim 19, Bull in view of McCallum and Plasek further show where the dynamic content is an interlaced GIF, an MPEG movie or an MP3 audio file (col.15 lines 1 – 3).

17. Regarding claim 20, Bull in view of McCallum and Plasek further show where the digital content extractor retrieves the digital content from a location designated by at least one uniform resource locator by applying a rules set defined by a media editor (col. 3 lines 64 – 65, col. 4 lines 1 – 25).

18. Regarding claim 21, Bull in view of McCallum and Plasek further show where the digital content extractor retrieves the digital content from a location designated by at least one uniform resource locator by using an automated digital content detection system (col. 1 lines 47 – 50, col. 1 lines 55 – 65, col. 4 lines 1 – 25).

19. Regarding claim 23, Bull in view of McCallum and Plasek further show where the structural classifier determines said at least one classification type for the digital content (col. 3 lines 50 - 59).

20. Regarding claim 32, Bull in view of McCallum and Plasek further show where the processor is further configured to interact with a user interface that administers the system (col. 3 lines 27 – 44, col. 7 lines 3 – 9, col. 10 lines 11 – 16 and 30 – 35, col. 14 lines 15 – 17).

21. Regarding claim 35, Bull in view of McCallum and Plasek further show where the processor is further configured to server as an automatic digital content detection system (col. 1 lines 47 – 50, col. 1 lines 55 – 65, col. 4 lines 1 – 25).

22. Claims 3, 22, 24, 26, 29 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bull in view of McCallum and Plasek as applied to claims 1, 7, 21 and 25 above, and further in view of Lee et al. (6,601,100 B2), hereafter Lee.

23. Regarding claim 3, Bull in view of McCallum and Plasek show claim 1.

Bull in view of McCallum and Plasek do not show computing the number of impressions of the digital content for a web site on the network.

Lee shows computing the number of impressions of the digital content for a web site on the network.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the disclosure of Bull in view of McCallum and Plasek with that of Lee in order to be better able to analyze and understand traffic flow, the way customers

navigate from page to page in a site and other information critical for successfully product marketing and sales (Lee, col. 1 lines 55 – 59).

24. Regarding claim 22, Bull in view of McCallum, Plasek and Lee further show a structural detector that locates an XML structure and a feature detector that locates an XML feature within the XML structure (Lee, showing working with XML, col. 9 lines 40 – 52, and Bull, specifically showing analyzing HTML and similar formats, col. 3 lines 50 – 55, as well as locating and parsing for features; col. 3 lines 27 – 50, col. 4 lines 15 – 20).

25. Regarding claim 24, Bull in view of McCallum, Plasek and Lee further show where the user interface further comprises a system account management interface that assists an account manager with creating and modifying an account on the system (Bull, Fig. 1, col. 7 lines 3 – 9, col. 3 lines 27 – 44, col. 10 lines 11 –16)

a site administration interface that assists the operator with the administration of said at least one network site (Bull, col. 10 lines 30 – 35, col. 14 lines 15 – 17)

a taxonomy administration interface that assists the operator with the administration of the taxonomy data (Bull, col. 3 lines 50 - 59)

a digital content classification interface that assists the media editor with the classification of the digital content (Bull, col. 4 lines 17 – 20, col. 7 lines 50 – 52)

a rate card collection interface that assists the media editor with the administration of the rate card (Bull, col. 10 lines 5 – 10, Lee col. 2 lines 35 – 40).

26. Regarding claim 26, Bull in view of McCallum, Plasek and Lee further show where the processor is configured to retrieve a web page from at least one web site,

extract a fragment from the web page and classify the fragment (Lee, col. 4 lines 23 – 26, col. 5 lines 52 – 64 and col. 7 lines 5 – 27).

27. Regarding claim 29, Bull in view of McCallum, Plasek and Lee further show classifying a fragment within the sampling data (Lee, col. 4 lines 23 – 26, col. 5 lines 52 – 64 and col. 7 lines 5 – 27).

28. Regarding claim 33, Bull in view of McCallum, Plasek and Lee further show including uniform resource locator information regarding at least one web site in the traffic data (Lee, col. 4 lines 23 – 26, col. 5 lines 52 – 64 and col. 7 lines 5 – 27).

29. Claims 11 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bull in view of McCallum and Plasek as applied to claims 7 and 25 above, and further in view of Gabber et al. ("Consistent, Yet Anonymous, Web Access with LPWA, Feb. 1999), hereafter Gabber.

Bull in view of McCallum and Plasek show claim 7.

Bull in view of McCallum and Plasek do not show wherein to mask the user identification data in the traffic data the traffic analysis system replaces the user identification data with a result from processing the user identification data through a cryptographically secure one-way hash function.

Gabber shows wherein to mask the user identification data in the traffic data the traffic analysis system replaces the user identification data with a result from processing the user identification data through a cryptographically secure one-way hash function (pg. 47, "Conclusion", Paragraph 1).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the disclosure of Bull in view of McCallum and Plasek with that of Gabber in order to utilize a common method of masking data in a secure fashion, a processes for which hashing was explicitly developed.

30. Claims 12, 13 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bull in view of McCallum, Plasek and Gabber as applied to claims 11 and 27 above, further in view of Lee.

31. Regarding claims 12 and 28, Bull in view of McCallum, Plasek and Gabber show claims 11 and 27.

Bull in view of McCallum, Plasek and Gabber do not show where the user identification data includes a network address or a cookie.

Lee shows where the user identification data includes a network address or a cookie (col. 7 lines 5 –23).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the disclosure of Bull in view of McCallum, Plasek and Gabber with that of Lee in order to utilize a standardized method of identifying users (network addresses) or a container for holding identification data (cookies) as network addresses were designed to identify where to send data, thus identifying a user, and cookies were designed as a method of storing and sharing information such as identifying information.

32. Regarding claim 13, Bull in view of McCallum, Plasek, Gabber and Lee further show where the summarization data includes a reference to at least one uniform

resource locator and a count of the number of requests for said at least one uniform resource locator (Lee, col. 4 lines 23 – 26, col. 7 lines 5 – 27, col. 5 lines 52 – 64).

33. Claims 30 and 31 rejected under 35 U.S.C. 103(a) as being unpatentable over Bull in view of McCallum, Plasek and Lee as applied to claim 29 above, and further in view of Bittinger et al. (5,878,213), hereafter Bittinger.

34. Regarding claim 30, Bull in view of McCallum, Plasek and Lee show claim 29.

Bull in view of McCallum, Plasek and Lee do not show classifying the fragment by analyzing the fragment for uniqueness and adding information to a database regarding the uniqueness of the fragment.

Bittinger shows classifying the fragment by analyzing the fragment for uniqueness and adding information to a database regarding the uniqueness of the fragment (Figs. 3 and 4).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the disclosure of Bull in view of McCallum, Plasek and Lee with that of Bittinger in order to provide data reliably and quickly (Bittinger, col. 3 lines 24 – 26).

35. Regarding claim 31, Bull in view of McCallum, Plasek, Lee and Bittinger further show classifying the fragment by detecting a duplicate fragment (Bittinger Figs. 3 and 4).

36. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bull in view of McCallum and Plasek as applied to claim 25 above, and further in view of Yeager (6,167,402).

Bull in view of McCallum and Plasek show claim 25.

Bull in view of McCallum and Plasek do not show performing integrity monitoring of the sampling data.

Yeager shows performing integrity monitoring of the sampling data (col. 5 lines 15 – 40).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the disclosure of Bull in view of McCallum, Plasek with that of Yeager in order to provide for a fast, efficient and reliable system (Yeager, col. 3 lines 9 – 26).

37. Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bull in view of McCallum and Plasek as applied to claim 35 above, and further in view of Pallmann (6,094,684).

Bull in view of McCallum and Plasek show claim 35.

Bull in view of McCallum and Plasek do not show normalizing the detected HTML or XML into a hierarchical form.

Pallmann shows normalizing the detected HTML or XML into a hierarchical form (col. 35 lines 4 - 29).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the disclosure of Bull in view of McCallum, Plasek with that of Pallman in order to ensure data is stored in a standardized format that is easy for other applications and users to access.

38. Claims 16, 17, 37, 44, 48, 50, 53 and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bull in view of McCallum and Plasek as applied to claim 14 above, and further in view of Blumenau

39. Regarding claim 16, Bull in view of McCallum and Plasek show claim 14.

Bull in view of McCallum and Plasek do not show where the simulation includes executing a program referenced by at least one uniform resource locator.

Blumenau shows executing a program embedded in at least one uniform resource locator (col. 20 lines 64 – 67).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the disclosure of Bull in view of McCallum and Plasek with that of Blumenau in order to provide accurate estimates of page views to advertisers interested in said information for understanding their ads exposures, calculating payment fees and determining said ads effectiveness (col. 1 lines 5 – 40).

40. Regarding claim 17, Bull in view of McCallum, Plasek and Blumenau further show where the program is a JavaScript script, Java applet, a Perl script or a CGI program (Blumenau col. 20 lines 64 – 67).

41. Regarding claims 37, 44, 48, 50, 53 and 54, Bull in view of McCallum, Plasek and Blumenau further show obtaining traffic data from at least one web site on the network, locating user identification in the traffic data and masking the user identification data to produce clean traffic data (Bull, col. 3 lines 27 – 65, McCallum Figs 1 and 4, col. 5 lines 57 – 63 and col. 8 lines 28 - 35),

computing a number of impressions for the digital content in the clean traffic data including scaling data by a weighting factor to extrapolate global traffic data and retrieving the digital content from the clean traffic data to generate sampling data (Bull Figs. 7, col. 3 lines 45 – 65, col. 4 lines 40 – 45, col. 8 lines 28 – 32; Palsek col. 4 line 12 – col. 5 line 18),

And Blumenau shows generating prevalence estimated for the digital content from the clean traffic data and sampling data and reporting said estimates (col. 1 lines 23 – 25 and 35 – 37, col. 3 lines 10 – 15).

42. Claims 38, 41, 45, 49 and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bull in view of McCallum, Plasek with that of Blumenau as applied to claims 37, 44, 48 and 50 above, and further in view of Lee.

Bull in view of McCallum, Plasek with that of Blumenau show claims 37, 44, 48 and 50.

Bull in view of McCallum, Plasek with that of Blumenau do not show retrieving a web page from at least one web site, extracting a fragment from the web page and classifying the fragment.

Lee shows retrieving a web page from at least one web site, extracting a fragment from the web page and classifying the fragment (col. 4 lines 23 – 26, col. 5 lines 52 – 64 and col. 7 lines 5 – 27).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the disclosure of Bull in view of McCallum, Plasek and Blumenau with that of Lee in order to be better able to analyze and understand traffic flow, the way

customers navigate from page to page in a site and other information critical for successfully product marketing and sales (Lee, col. 1 lines 55 – 59).

43. Claim 39, 40 and 52 rejected under 35 U.S.C. 103(a) as being unpatentable over Bull in view of McCallum, Plasek, Blumenau and Lee as applied to claims 38 and 50 above, and further in view of Gabber.

44. Regarding claims 39 and 52, Bull in view of McCallum, Plasek, Blumenau and Lee show claims 37 and 50.

Bull in view of McCallum, Plasek, Blumenau and Lee do not show replacing the user identification data with a result from processing the user identification data through a cryptographically secure one-way hash function.

Gabber shows replacing the user identification data with a result from processing the user identification data through a cryptographically secure one-way hash function (pg. 47, “Conclusion”, Paragraph 1).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the disclosure of Bull in view of McCallum, Plasek, Blumenau and Lee with that of Gabber in order to utilize a common method of masking data in a secure fashion, a processes for which hashing was explicitly developed.

45. Regarding claim 40, Bull in view of McCallum, Plasek, Blumenau, Lee and Gabber further show where the user identification includes a network address or a cookie (Lee, col. 7 lines 5 –23).

46. Claims 42 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bull in view of McCallum, Plasek, Blumenau and Lee as applied to claim 41 above, and further in view of Bittinger.

47. Regarding claim 42, Bull in view of McCallum, Plasek, Blumenau, Lee show

Bull in view of McCallum, Plasek, Blumenau and Lee do not show analyzing a fragment for uniqueness and adding information to a database regarding the uniqueness of the fragment.

Bittinger shows analyzing a fragment for uniqueness and adding information to a database regarding the uniqueness of the fragment (Figs. 3 and 4).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the disclosure of Bull in view of McCallum, Plasek, Blumenau and Lee with that of Bittinger in order to provide data reliably and quickly (Bittinger, col. 3 lines 24 – 26).

48. Regarding claim 43, Bull in view of McCallum, Plasek, Blumenau, Lee and Bittinger further show classifying the fragment by detecting a duplicate fragment (Bittinger Figs. 3 and 4).

49. Claim 46 rejected under 35 U.S.C. 103(a) as being unpatentable over Bull in view of McCallum, Plasek and Blumenau as applied to claim 37 above, and further in view of Yeager.

Bull in view of McCallum, Plasek and Blumenau show claim 37.

Bull in view of McCallum, Plasek and Blumenau do not show performing data integrity monitoring on the sampling data.

Yeager shows performing data integrity monitoring on the sampling data (col. 5 lines 15 – 40).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the disclosure of Bull in view of McCallum, Plasek and Blumenau with that of Yeager in order to provide for a fast, efficient and reliable system (Yeager, col. 3 lines 9 – 26).

50. Claim 46 rejected under 35 U.S.C. 103(a) as being unpatentable over Bull in view of McCallum, Plasek and Blumenau as applied to claim 37 above, and further in view of Pallmann.

Bull in view of McCallum, Plasek and Blumenau show claim 37.

Bull in view of McCallum, Plasek and Blumenau do not show performing automatic advertisement detection by applying at least one heuristic algorithm to detect advertising within an HTML or XML document and normalizing the detected HTML or XML content in a hierarchical form.

Pallmannn shows performing automatic advertisement detection by applying at least one heuristic algorithm to detect advertising within an HTML or XML document and normalizing the detected HTML or XML content in a hierarchical form (col. 35 lines 4 - 29).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the disclosure of Bull in view of McCallum, Plasek and Blumenau with that of Pallmann in order to ensure data is stored in a standardized format that is easy for other applications and users to access.

(10) Response to Argument

Applicant argues that Bull does not teach the "traffic data" claimed by Applicant. Specially, Applicant argues that "in the Bull system, this data is collected and tracked based on **content**, as is expressly described in col. 3 lines 51 – 59, which describes the information being "topically oriented" using the HyperText Mark-up Language content."

However, that the traffic data collected by Bull is organized based on the topic of the data does not preclude Bull from teaching traffic data. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant continues arguing that instead of Bull teaching "traffic data", Bull teaches "contextual data". Applicant summarizes their argument on page 12, where Applicant argues "traffic data, by its plain and ordinary meaning relates to data about **traffic** and not data about the **content** of the traffic."

However, data about the content of traffic is still traffic data. Applicant attempts to provide further support for their arguments, arguing that "Bull relates to determining the types of content and context-based activities that a user performed online, the claimed "traffic data" concerns itself with data relating to traffic across the network."

However, the data monitored by Bull is "traffic data" and is "relating to traffic across the network". The examples provided in the previous Office Action by the Examiner include col. 5 lines 51 – 54 of Bull, which states that "the user WWW viewing patterns are recorded." World Wide Web (WWW) viewing patterns are traffic data; if something is "viewed" by a user, then there was "traffic" to transport said viewed item to

the user. In this example, the data viewed from the World Wide Web moves across a network as the World Wide Web is a network.

As another example, col. 5 lines 62 – 64 of Bulls state that "records will be maintained from the user usage of the internet" where in this citation, the "traffic data" is the record of the user usage of the internet, being that the internet is used to transport data to users, and where the "internet" is a network.

In conclusion, for the reasons given above, Applicant's argument that Bull's does not teach traffic data is not persuasive, and Applicant's argument that instead of teaching "traffic data", Bull teaches "data about the content of traffic", which Applicant argues is a non-analogous and an overly board interpretation, is also unpersuasive.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/J.M./

John MacIlwinen, 8/18/2008

Examiner, Art Unit 2142

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